

## MEDICINE BOARD[653]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3(1)“f,” the Board of Medicine hereby proposes to amend Chapter 23, “Grounds for Discipline,” Iowa Administrative Code.

The purpose of Chapter 23 is to set forth grounds for discipline of physicians licensed by the Board. The proposed amendments establish as grounds for discipline a physician’s failure to report the physician’s HIV or HBV status to an expert review panel established by a hospital and to an expert review panel established by the Department of Public Health.

The Board approved this Notice of Intended Action to amend Chapter 23 during a regularly scheduled meeting on February 11, 2011.

Any interested person may present written comments on the proposed amendments not later than 4:30 p.m. on March 29, 2011. Such written materials should be sent to Mark Bowden, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by E-mail to [mark.bowden@iowa.gov](mailto:mark.bowden@iowa.gov).

There will be a public hearing on March 29, 2011, at 3 p.m. in the Board office, at which time persons may present their views either orally or in writing. The Board of Medicine is located at 400 S.W. Eighth Street, Suite C, Des Moines, Iowa.

These amendments are intended to implement Iowa Code chapter 139A.

The following amendments are proposed.

ITEM 1. Renumber subrules **23.1(31)** to **23.1(44)** as **23.1(34)** to **23.1(47)**.

ITEM 2. Adopt the following new subrules 23.1(31) to 23.1(33):

**23.1(31)** Failure by a physician with HIV or HBV who practices in a hospital setting, and who performs exposure-prone procedures, to report the physician’s HIV or HBV status to an expert review panel established by a hospital under Iowa Code section 139A.22(1) or to an expert review panel established by the department of public health under Iowa Code section 139A.22(3).

**23.1(32)** Failure by a physician with HIV or HBV who practices outside a hospital setting, and who performs exposure-prone procedures, to report the physician’s HIV or HBV status to an expert review panel established by the department of public health under Iowa Code section 139A.22(3).

**23.1(33)** Failure by a physician subject to the reporting requirements of 23.1(31) and 23.1(32) to comply with the recommendations of an expert review panel established by the department of public health pursuant to Iowa Code section 139A.22(3), with hospital protocols established pursuant to Iowa Code section 139A.22(1), or with health care facility procedures established pursuant to Iowa Code section 139A.22(2).